



Name of meeting: Council

Date: 8th December 2021

Title of report: Recommendation on the Code of Conduct from Corporate Governance and Audit Committee

Purpose of report:

To consider the recommendations on the Code of Conduct made by the Corporate Governance and Audit Committee to Council.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	NO
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	NO
The Decision - Is it eligible for call in by Scrutiny?	NO
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Yes – Rachel Spencer-Henshall Yes – Eamonn Croston Yes – Julie Muscroft
Cabinet member portfolio	Cllr Paul Davies

Electoral wards affected: All

Ward councillors consulted: NO

Public or private: Public

Has GDPR been considered? YES

1. Summary

- 1.1 This report is intended to ask Council to approve the recommendation of the Corporate Governance and Audit Committee on the proposed amendments to the Code of Conduct.
- 1.2 The Standards Committee met on the 14th of September 2021 and considered a report on the LGA Model Code of Conduct and whether or not it should be adopted in Kirklees.
- 1.3 After debating the options, it was agreed that Standards Committee would recommend a 'hybrid' code of conduct to the Corporate Governance and Audit Committee, with the request that it be agreed and referred to Council as a recommendation.
- 1.4 The Corporate Governance and Audit Committee met on the 26th of November and discussed the report and recommendations from the Standards Committee.
- 1.5 The decision taken was to recommend the adoption by Kirklees Council of the proposed 'hybrid' version of the Code of Conduct.

2. Information required to take a decision

- 2.1 In the CSPL report that was published in January 2019, there were a number of best practice suggestions made for Local Authorities to incorporate into their codes of conduct. The majority of those were either already in the Kirklees Code or were adopted following the publication of the report. The LGA also undertook to draft a model code of conduct, based on the recommendations of the report.
- 2.2 The LGA's model code was published in December 2020 and incorporated the best practice suggestions that were in the CSPL report and which had also by then had largely been incorporated into the Kirklees code. The principal difference was a stylistic one, with the LGA model code being written in the first person, reading more as a personal agreement and undertaking.
- 2.3 Consideration was given to the LGA's draft model of Code of Conduct, and it was compared to the existing Kirklees code. The available choices were to adopt the code in full, to adopt it in part with some revisions or to reject it and to retain the existing Kirklees code.
- 2.4 It was felt that, whilst the LGA model code was overall a good and clear document, there were some areas where it was felt that it was not as detailed as the existing Kirklees code (e.g. relating to Other Interests) and that to adopt it in full would mean that we would lose some clarity in those areas. The Standards Committee took the view that the best approach was to adopt the

LGA code, but to make some modifications to it to incorporate those parts of the Kirklees code that it was felt addressed certain issues in a better or clearer way.

- 2.5 Following this, a 'hybrid' code was drafted, which used the LGA code as its starting point, adding in those parts of the Kirklees code identified as being preferable to the LGA's drafting. The proposed drafted 'hybrid' code is attached at Appendix 1. It was this draft version that was considered by Corporate Governance and Audit and which has been recommended to Council for adoption.
- 2.6 Members are asked to consider the draft and to vote for its adoption.

3. Implications for the Council

The Council is required under the Localism Act 2011 to have a members Code of Conduct but is at liberty to determine the contents of any Code.

3.1 Working with People

N/A

3.2 Working with Partners

N/A

3.3 Place Based Working

N/A

3.4 Climate Change and Air Quality

In order to minimise any impact, printing is kept to a minimum.

3.5 Improving outcomes for children

N/A

3.6 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

The promotion and maintenance of high standards of conduct by councillors is an important part of maintaining public confidence in both the council and its members. Failure to do so could have significant reputational implications.

4. Next steps and timelines

If this recommendation is approved by Council and the Monitoring Officer will amend the Constitution to incorporate the amended version of the Code of Conduct.

5. Officer recommendations and reasons

Council is asked to adopt the draft 'hybrid' code that is based on the LGA model code as set out in Appendix to this report.

6. Cabinet Portfolio Holder's recommendations

N/A

7. Contact officer

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8. Background Papers and History of Decisions

Report to Standards Committee & Appendices (agenda item 8) – 15th September 2021 - ([Public Pack](#))[Agenda Document for Standards Committee, 15/09/2021 10:00 \(kirklees.gov.uk\)](#)

Report to Corporate Governance and Audit Committee – 26th November 2021 - [2021-11-26 CGA code of conduct FINAL.pdf \(kirklees.gov.uk\)](#)

9. Service Director responsible

Julie Muscroft
Service Director – Legal, Governance and Commissioning
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Appendix 1

Draft versions of a hybrid proposed Code of Conduct – ‘clean’ and ‘tracked change’ versions.

